

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

RONALD WAYNE LEWIS,
Plaintiff,

v.

Civil No. 3:21cv161 (DJN)

V.C.U. HEALTH DIRECTOR, *et al.*,
Defendants.

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff, a Virginia inmate, has submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

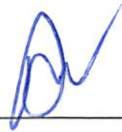
28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *Lewis v. Andrews*, 2011 WL 741464, at *1 (E.D. Va. Feb. 23, 2011); *Lewis v. Miller*, 2011 WL 1059207, at *1 (E.D. Va. Mar. 23, 2011); *Lewis v. Lappin*, 2011 WL 4961366, at *5 (E.D. Va. Oct. 18, 2011), *aff'd sub nom. Lewis v. Shah*, 466 F. App'x 211 (4th Cir. 2012); *Lewis v. U.S. Prob. Off., E. Dist. of Virginia*, 2011 WL 1813655, at *3 (E.D. Va. May 6, 2011).

Plaintiff's current allegations do not credibly indicate that he is in imminent danger of serious physical harm. Therefore, Plaintiff's request to proceed *in forma pauperis* will be DENIED. This action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia
Dated: May 11, 2021